OPINION SUMMARY

MISSOURI COURT OF APPEALS EASTERN DISTRICT

	)	No. ED109619
	)	
	)	Appeal from the Circuit Court
IN THE ESTATE OF:	)	of Gasconade County
THOMAS F. DEBOEUF, DECEASED	)	Cause No. 14GA-PR00029
	)	
	)	Honorable Joseph W. Purschke
	)	
	)	Filed: December 21, 2021

Pamela D. Cunningham (Cunningham) appeals the dismissal by the circuit court of Gasconade County, probate division (probate court) of her petition for conversion asserted against Respondent Fay Owsley (Owsley), individually and as personal representative of the Estate of Thomas F. DeBoeuf. The probate court found that Cunningham improperly brought her case in the probate division and that the probate court could not transfer the case to the circuit court.

REVERSED AND REMANDED.

Division Two Holds: The probate court erred in dismissing Cunningham's petition rather than transferring it to the circuit court. Additionally, we do not find any applicable statute of limitations barring Cunningham's suit against Owsley in her official capacity, as Cunningham's suit was not a "claim" within the meaning of the non-claim statutes. Therefore, we reverse the probate court's dismissal and remand for further proceedings consistent with this opinion.

Opinion by: Gary M. Gaertner, Jr., J.,
Robert M. Clayton III, P.J., and Thomas C. Clark, II, J., concur.

Attorney for Appellant: David L. Baylard
Attorneys for Respondent: Michael G. Berry, Kimberly J.Z. Guthrie

THIS SUMMARY IS NOT PART OF THE OPINION OF THE COURT. IT HAS BEEN PREPARED FOR THE CONVENIENCE OF THE READER AND SHOULD NOT BE QUOTED OR CITED.